



Sen. James F. Clayborne, Jr.

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LRB099 20595 RPS 47687 a

1 AMENDMENT TO SENATE BILL 2989

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2989 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 5-1, 6-16, 6-29.1, and 10-1 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

7 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
8 Commission shall be of the following classes:

9 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
10 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
11 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
12 First Class Winemaker, Class 7. Second Class Winemaker, Class  
13 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class  
14 10. Class 1 Brewer, Class 11. Class 2 Brewer,

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

- 1 (d) Retailer's license,
- 2 (e) Special Event Retailer's license (not-for-profit),
- 3 (f) Railroad license,
- 4 (g) Boat license,
- 5 (h) Non-Beverage User's license,
- 6 (i) Wine-maker's premises license,
- 7 (j) Airplane license,
- 8 (k) Foreign importer's license,
- 9 (l) Broker's license,
- 10 (m) Non-resident dealer's license,
- 11 (n) Brew Pub license,
- 12 (o) Auction liquor license,
- 13 (p) Caterer retailer license,
- 14 (q) Special use permit license,
- 15 (r) Winery shipper's license.

16 No person, firm, partnership, corporation, or other legal  
17 business entity that is engaged in the manufacturing of wine  
18 may concurrently obtain and hold a wine-maker's license and a  
19 wine manufacturer's license.

20 (a) A manufacturer's license shall allow the manufacture,  
21 importation in bulk, storage, distribution and sale of  
22 alcoholic liquor to persons without the State, as may be  
23 permitted by law and to licensees in this State as follows:

24 Class 1. A Distiller may make sales and deliveries of  
25 alcoholic liquor to distillers, rectifiers, importing  
26 distributors, distributors and non-beverage users and to no

1 other licensees.

2 Class 2. A Rectifier, who is not a distiller, as defined  
3 herein, may make sales and deliveries of alcoholic liquor to  
4 rectifiers, importing distributors, distributors, retailers  
5 and non-beverage users and to no other licensees.

6 Class 3. A Brewer may make sales and deliveries of beer to  
7 importing distributors and distributors and may make sales as  
8 authorized under subsection (e) of Section 6-4 of this Act.

9 Class 4. A first class wine-manufacturer may make sales and  
10 deliveries of up to 50,000 gallons of wine to manufacturers,  
11 importing distributors and distributors, and to no other  
12 licensees.

13 Class 5. A second class Wine manufacturer may make sales  
14 and deliveries of more than 50,000 gallons of wine to  
15 manufacturers, importing distributors and distributors and to  
16 no other licensees.

17 Class 6. A first-class wine-maker's license shall allow the  
18 manufacture of up to 50,000 gallons of wine per year, and the  
19 storage and sale of such wine to distributors in the State and  
20 to persons without the State, as may be permitted by law. A  
21 person who, prior to June 1, 2008 (the effective date of Public  
22 Act 95-634) ~~this amendatory Act of the 95th General Assembly,~~  
23 is a holder of a first-class wine-maker's license and annually  
24 produces more than 25,000 gallons of its own wine and who  
25 distributes its wine to licensed retailers shall cease this  
26 practice on or before July 1, 2008 in compliance with Public

1 Act 95-634 ~~this amendatory Act of the 95th General Assembly.~~

2 Class 7. A second-class wine-maker's license shall allow  
3 the manufacture of between 50,000 and 150,000 gallons of wine  
4 per year, and the storage and sale of such wine to distributors  
5 in this State and to persons without the State, as may be  
6 permitted by law. A person who, prior to June 1, 2008 (the  
7 effective date of Public Act 95-634) ~~this amendatory Act of the~~  
8 ~~95th General Assembly~~, is a holder of a second-class  
9 wine-maker's license and annually produces more than 25,000  
10 gallons of its own wine and who distributes its wine to  
11 licensed retailers shall cease this practice on or before July  
12 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~  
13 ~~Act of the 95th General Assembly.~~

14 Class 8. A limited wine-manufacturer may make sales and  
15 deliveries not to exceed 40,000 gallons of wine per year to  
16 distributors, and to non-licensees in accordance with the  
17 provisions of this Act.

18 Class 9. A craft distiller license shall allow the  
19 manufacture of up to 30,000 gallons of spirits by distillation  
20 for one year after March 1, 2013 (the effective date of Public  
21 Act 97-1166) ~~this amendatory Act of the 97th General Assembly~~  
22 and up to 35,000 gallons of spirits by distillation per year  
23 thereafter and the storage of such spirits. If a craft  
24 distiller licensee is not affiliated with any other  
25 manufacturer, then the craft distiller licensee may sell such  
26 spirits to distributors in this State and up to 2,500 gallons

1 of such spirits to non-licensees to the extent permitted by any  
2 exemption approved by the Commission pursuant to Section 6-4 of  
3 this Act.

4 Any craft distiller licensed under this Act who on July 28,  
5 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~  
6 ~~Act of the 96th General Assembly~~ was licensed as a distiller  
7 and manufactured no more spirits than permitted by this Section  
8 shall not be required to pay the initial licensing fee.

9 Class 10. A class 1 brewer license, which may only be  
10 issued to a licensed brewer or licensed non-resident dealer,  
11 shall allow the manufacture of up to 930,000 gallons of beer  
12 per year provided that the class 1 brewer licensee does not  
13 manufacture more than a combined 930,000 gallons of beer per  
14 year and is not a member of or affiliated with, directly or  
15 indirectly, a manufacturer that produces more than 930,000  
16 gallons of beer per year or any other alcoholic liquor. A class  
17 1 brewer licensee may make sales and deliveries to importing  
18 distributors and distributors and to retail licensees in  
19 accordance with the conditions set forth in paragraph (18) of  
20 subsection (a) of Section 3-12 of this Act.

21 Class 11. A class 2 brewer license, which may only be  
22 issued to a licensed brewer or licensed non-resident dealer,  
23 shall allow the manufacture of up to 3,720,000 gallons of beer  
24 per year provided that the class 2 brewer licensee does not  
25 manufacture more than a combined 3,720,000 gallons of beer per  
26 year and is not a member of or affiliated with, directly or

1 indirectly, a manufacturer that produces more than 3,720,000  
2 gallons of beer per year or any other alcoholic liquor. A class  
3 2 brewer licensee may make sales and deliveries to importing  
4 distributors and distributors, but shall not make sales or  
5 deliveries to any other licensee. If the State Commission  
6 provides prior approval, a class 2 brewer licensee may annually  
7 transfer up to 3,720,000 gallons of beer manufactured by that  
8 class 2 brewer licensee to the premises of a licensed class 2  
9 brewer wholly owned and operated by the same licensee.

10 (a-1) A manufacturer which is licensed in this State to  
11 make sales or deliveries of alcoholic liquor to licensed  
12 distributors or importing distributors and which enlists  
13 agents, representatives, or individuals acting on its behalf  
14 who contact licensed retailers on a regular and continual basis  
15 in this State must register those agents, representatives, or  
16 persons acting on its behalf with the State Commission.

17 Registration of agents, representatives, or persons acting  
18 on behalf of a manufacturer is fulfilled by submitting a form  
19 to the Commission. The form shall be developed by the  
20 Commission and shall include the name and address of the  
21 applicant, the name and address of the manufacturer he or she  
22 represents, the territory or areas assigned to sell to or  
23 discuss pricing terms of alcoholic liquor, and any other  
24 questions deemed appropriate and necessary. All statements in  
25 the forms required to be made by law or by rule shall be deemed  
26 material, and any person who knowingly misstates any material

1 fact under oath in an application is guilty of a Class B  
2 misdemeanor. Fraud, misrepresentation, false statements,  
3 misleading statements, evasions, or suppression of material  
4 facts in the securing of a registration are grounds for  
5 suspension or revocation of the registration. The State  
6 Commission shall post a list of registered agents on the  
7 Commission's website.

8 (b) A distributor's license shall allow the wholesale  
9 purchase and storage of alcoholic liquors and sale of alcoholic  
10 liquors to licensees in this State and to persons without the  
11 State, as may be permitted by law.

12 (c) An importing distributor's license may be issued to and  
13 held by those only who are duly licensed distributors, upon the  
14 filing of an application by a duly licensed distributor, with  
15 the Commission and the Commission shall, without the payment of  
16 any fee, immediately issue such importing distributor's  
17 license to the applicant, which shall allow the importation of  
18 alcoholic liquor by the licensee into this State from any point  
19 in the United States outside this State, and the purchase of  
20 alcoholic liquor in barrels, casks or other bulk containers and  
21 the bottling of such alcoholic liquors before resale thereof,  
22 but all bottles or containers so filled shall be sealed,  
23 labeled, stamped and otherwise made to comply with all  
24 provisions, rules and regulations governing manufacturers in  
25 the preparation and bottling of alcoholic liquors. The  
26 importing distributor's license shall permit such licensee to

1 purchase alcoholic liquor from Illinois licensed non-resident  
2 dealers and foreign importers only.

3 (d) A retailer's license shall allow the licensee to sell  
4 and offer for sale at retail, only in the premises specified in  
5 the license, alcoholic liquor for use or consumption, but not  
6 for resale in any form. Nothing in Public Act 95-634 ~~this~~  
7 ~~amendatory Act of the 95th General Assembly~~ shall deny, limit,  
8 remove, or restrict the ability of a holder of a retailer's  
9 license to transfer, deliver, or ship alcoholic liquor to the  
10 purchaser for use or consumption subject to any applicable  
11 local law or ordinance. Any retail license issued to a  
12 manufacturer shall only permit the manufacturer to sell beer at  
13 retail on the premises actually occupied by the manufacturer.  
14 For the purpose of further describing the type of business  
15 conducted at a retail licensed premises, a retailer's licensee  
16 may be designated by the State Commission as (i) an on premise  
17 consumption retailer, (ii) an off premise sale retailer, or  
18 (iii) a combined on premise consumption and off premise sale  
19 retailer.

20 Notwithstanding any other provision of this subsection  
21 (d), a retail licensee may sell alcoholic liquors to a special  
22 event retailer licensee for resale to the extent permitted  
23 under subsection (e).

24 (e) A special event retailer's license (not-for-profit)  
25 shall permit the licensee to purchase alcoholic liquors from an  
26 Illinois licensed distributor (unless the licensee purchases



1 less than \$500 of alcoholic liquors for the special event, in  
2 which case the licensee may purchase the alcoholic liquors from  
3 a licensed retailer) and shall allow the licensee to sell and  
4 offer for sale, at retail, alcoholic liquors for use or  
5 consumption, but not for resale in any form and only at the  
6 location and on the specific dates designated for the special  
7 event in the license. An applicant for a special event retailer  
8 license must (i) furnish with the application: (A) a resale  
9 number issued under Section 2c of the Retailers' Occupation Tax  
10 Act or evidence that the applicant is registered under Section  
11 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
12 exemption identification number issued under Section 1g of the  
13 Retailers' Occupation Tax Act, and a certification to the  
14 Commission that the purchase of alcoholic liquors will be a  
15 tax-exempt purchase, or (C) a statement that the applicant is  
16 not registered under Section 2a of the Retailers' Occupation  
17 Tax Act, does not hold a resale number under Section 2c of the  
18 Retailers' Occupation Tax Act, and does not hold an exemption  
19 number under Section 1g of the Retailers' Occupation Tax Act,  
20 in which event the Commission shall set forth on the special  
21 event retailer's license a statement to that effect; (ii)  
22 submit with the application proof satisfactory to the State  
23 Commission that the applicant will provide dram shop liability  
24 insurance in the maximum limits; and (iii) show proof  
25 satisfactory to the State Commission that the applicant has  
26 obtained local authority approval.

1           (f) A railroad license shall permit the licensee to import  
2 alcoholic liquors into this State from any point in the United  
3 States outside this State and to store such alcoholic liquors  
4 in this State; to make wholesale purchases of alcoholic liquors  
5 directly from manufacturers, foreign importers, distributors  
6 and importing distributors from within or outside this State;  
7 and to store such alcoholic liquors in this State; provided  
8 that the above powers may be exercised only in connection with  
9 the importation, purchase or storage of alcoholic liquors to be  
10 sold or dispensed on a club, buffet, lounge or dining car  
11 operated on an electric, gas or steam railway in this State;  
12 and provided further, that railroad licensees exercising the  
13 above powers shall be subject to all provisions of Article VIII  
14 of this Act as applied to importing distributors. A railroad  
15 license shall also permit the licensee to sell or dispense  
16 alcoholic liquors on any club, buffet, lounge or dining car  
17 operated on an electric, gas or steam railway regularly  
18 operated by a common carrier in this State, but shall not  
19 permit the sale for resale of any alcoholic liquors to any  
20 licensee within this State. A license shall be obtained for  
21 each car in which such sales are made.

22           (g) A boat license shall allow the sale of alcoholic liquor  
23 in individual drinks, on any passenger boat regularly operated  
24 as a common carrier on navigable waters in this State or on any  
25 riverboat operated under the Riverboat Gambling Act, which boat  
26 or riverboat maintains a public dining room or restaurant

1 thereon.

2 (h) A non-beverage user's license shall allow the licensee  
3 to purchase alcoholic liquor from a licensed manufacturer or  
4 importing distributor, without the imposition of any tax upon  
5 the business of such licensed manufacturer or importing  
6 distributor as to such alcoholic liquor to be used by such  
7 licensee solely for the non-beverage purposes set forth in  
8 subsection (a) of Section 8-1 of this Act, and such licenses  
9 shall be divided and classified and shall permit the purchase,  
10 possession and use of limited and stated quantities of  
11 alcoholic liquor as follows:

12	Class 1, not to exceed .....	500 gallons
13	Class 2, not to exceed .....	1,000 gallons
14	Class 3, not to exceed .....	5,000 gallons
15	Class 4, not to exceed .....	10,000 gallons
16	Class 5, not to exceed .....	50,000 gallons

17 (i) A wine-maker's premises license shall allow a licensee  
18 that concurrently holds a first-class wine-maker's license to  
19 sell and offer for sale at retail in the premises specified in  
20 such license not more than 50,000 gallons of the first-class  
21 wine-maker's wine that is made at the first-class wine-maker's  
22 licensed premises per year for use or consumption, but not for  
23 resale in any form. A wine-maker's premises license shall allow  
24 a licensee who concurrently holds a second-class wine-maker's  
25 license to sell and offer for sale at retail in the premises  
26 specified in such license up to 100,000 gallons of the

1 second-class wine-maker's wine that is made at the second-class  
2 wine-maker's licensed premises per year for use or consumption  
3 but not for resale in any form. A wine-maker's premises license  
4 shall allow a licensee that concurrently holds a first-class  
5 wine-maker's license or a second-class wine-maker's license to  
6 sell and offer for sale at retail at the premises specified in  
7 the wine-maker's premises license, for use or consumption but  
8 not for resale in any form, any beer, wine, and spirits  
9 purchased from a licensed distributor. Upon approval from the  
10 State Commission, a wine-maker's premises license shall allow  
11 the licensee to sell and offer for sale at (i) the wine-maker's  
12 licensed premises and (ii) at up to 2 additional locations for  
13 use and consumption and not for resale. Each location shall  
14 require additional licensing per location as specified in  
15 Section 5-3 of this Act. A wine-maker's premises licensee shall  
16 secure liquor liability insurance coverage in an amount at  
17 least equal to the maximum liability amounts set forth in  
18 subsection (a) of Section 6-21 of this Act.

19 (j) An airplane license shall permit the licensee to import  
20 alcoholic liquors into this State from any point in the United  
21 States outside this State and to store such alcoholic liquors  
22 in this State; to make wholesale purchases of alcoholic liquors  
23 directly from manufacturers, foreign importers, distributors  
24 and importing distributors from within or outside this State;  
25 and to store such alcoholic liquors in this State; provided  
26 that the above powers may be exercised only in connection with

1 the importation, purchase or storage of alcoholic liquors to be  
2 sold or dispensed on an airplane; and provided further, that  
3 airplane licensees exercising the above powers shall be subject  
4 to all provisions of Article VIII of this Act as applied to  
5 importing distributors. An airplane licensee shall also permit  
6 the sale or dispensing of alcoholic liquors on any passenger  
7 airplane regularly operated by a common carrier in this State,  
8 but shall not permit the sale for resale of any alcoholic  
9 liquors to any licensee within this State. A single airplane  
10 license shall be required of an airline company if liquor  
11 service is provided on board aircraft in this State. The annual  
12 fee for such license shall be as determined in Section 5-3.

13 (k) A foreign importer's license shall permit such licensee  
14 to purchase alcoholic liquor from Illinois licensed  
15 non-resident dealers only, and to import alcoholic liquor other  
16 than in bulk from any point outside the United States and to  
17 sell such alcoholic liquor to Illinois licensed importing  
18 distributors and to no one else in Illinois; provided that (i)  
19 the foreign importer registers with the State Commission every  
20 brand of alcoholic liquor that it proposes to sell to Illinois  
21 licensees during the license period, (ii) the foreign importer  
22 complies with all of the provisions of Section 6-9 of this Act  
23 with respect to registration of such Illinois licensees as may  
24 be granted the right to sell such brands at wholesale, and  
25 (iii) the foreign importer complies with the provisions of  
26 Sections 6-5 and 6-6 of this Act to the same extent that these

1 provisions apply to manufacturers.

2 (1) (i) A broker's license shall be required of all persons  
3 who solicit orders for, offer to sell or offer to supply  
4 alcoholic liquor to retailers in the State of Illinois, or who  
5 offer to retailers to ship or cause to be shipped or to make  
6 contact with distillers, rectifiers, brewers or manufacturers  
7 or any other party within or without the State of Illinois in  
8 order that alcoholic liquors be shipped to a distributor,  
9 importing distributor or foreign importer, whether such  
10 solicitation or offer is consummated within or without the  
11 State of Illinois.

12 No holder of a retailer's license issued by the Illinois  
13 Liquor Control Commission shall purchase or receive any  
14 alcoholic liquor, the order for which was solicited or offered  
15 for sale to such retailer by a broker unless the broker is the  
16 holder of a valid broker's license.

17 The broker shall, upon the acceptance by a retailer of the  
18 broker's solicitation of an order or offer to sell or supply or  
19 deliver or have delivered alcoholic liquors, promptly forward  
20 to the Illinois Liquor Control Commission a notification of  
21 said transaction in such form as the Commission may by  
22 regulations prescribe.

23 (ii) A broker's license shall be required of a person  
24 within this State, other than a retail licensee, who, for a fee  
25 or commission, promotes, solicits, or accepts orders for  
26 alcoholic liquor, for use or consumption and not for resale, to

1 be shipped from this State and delivered to residents outside  
2 of this State by an express company, common carrier, or  
3 contract carrier. This Section does not apply to any person who  
4 promotes, solicits, or accepts orders for wine as specifically  
5 authorized in Section 6-29 of this Act.

6 A broker's license under this subsection (1) shall not  
7 entitle the holder to buy or sell any alcoholic liquors for his  
8 own account or to take or deliver title to such alcoholic  
9 liquors.

10 This subsection (1) shall not apply to distributors,  
11 employees of distributors, or employees of a manufacturer who  
12 has registered the trademark, brand or name of the alcoholic  
13 liquor pursuant to Section 6-9 of this Act, and who regularly  
14 sells such alcoholic liquor in the State of Illinois only to  
15 its registrants thereunder.

16 Any agent, representative, or person subject to  
17 registration pursuant to subsection (a-1) of this Section shall  
18 not be eligible to receive a broker's license.

19 (m) A non-resident dealer's license shall permit such  
20 licensee to ship into and warehouse alcoholic liquor into this  
21 State from any point outside of this State, and to sell such  
22 alcoholic liquor to Illinois licensed foreign importers and  
23 importing distributors and to no one else in this State;  
24 provided that (i) said non-resident dealer shall register with  
25 the Illinois Liquor Control Commission each and every brand of  
26 alcoholic liquor which it proposes to sell to Illinois

1 licensees during the license period, (ii) it shall comply with  
2 all of the provisions of Section 6-9 hereof with respect to  
3 registration of such Illinois licensees as may be granted the  
4 right to sell such brands at wholesale, and (iii) the  
5 non-resident dealer shall comply with the provisions of  
6 Sections 6-5 and 6-6 of this Act to the same extent that these  
7 provisions apply to manufacturers.

8 (n) A brew pub license shall allow the licensee to only (i)  
9 manufacture up to 155,000 gallons of beer per year only on the  
10 premises specified in the license, (ii) make sales of the beer  
11 manufactured on the premises or, with the approval of the  
12 Commission, beer manufactured on another brew pub licensed  
13 premises that is wholly owned and operated by the same licensee  
14 to importing distributors, distributors, and to non-licensees  
15 for use and consumption, (iii) store the beer upon the  
16 premises, (iv) sell and offer for sale at retail from the  
17 licensed premises for off-premises consumption no more than  
18 155,000 gallons per year so long as such sales are only made  
19 in-person, (v) sell and offer for sale at retail for use and  
20 consumption on the premises specified in the license any form  
21 of alcoholic liquor purchased from a licensed distributor or  
22 importing distributor, and (vi) with the prior approval of the  
23 Commission, annually transfer no more than 155,000 gallons of  
24 beer manufactured on the premises to a licensed brew pub wholly  
25 owned and operated by the same licensee.

26 A brew pub licensee shall not under any circumstance sell



1 or offer for sale beer manufactured by the brew pub licensee to  
2 retail licensees.

3 A person who holds a class 2 brewer license may  
4 simultaneously hold a brew pub license if the class 2 brewer  
5 (i) does not, under any circumstance, sell or offer for sale  
6 beer manufactured by the class 2 brewer to retail licensees;  
7 (ii) does not hold more than 3 brew pub licenses in this State;  
8 (iii) does not manufacture more than a combined 3,720,000  
9 gallons of beer per year, including the beer manufactured at  
10 the brew pub; and (iv) is not a member of or affiliated with,  
11 directly or indirectly, a manufacturer that produces more than  
12 3,720,000 gallons of beer per year or any other alcoholic  
13 liquor.

14 Notwithstanding any other provision of this Act, a licensed  
15 brewer, class 2 brewer, or non-resident dealer who before July  
16 1, 2015 manufactured less than ~~than~~ 3,720,000 gallons of beer  
17 per year and held a brew pub license on or before July 1, 2015  
18 may (i) continue to qualify for and hold that brew pub license  
19 for the licensed premises and (ii) manufacture more than  
20 3,720,000 gallons of beer per year and continue to qualify for  
21 and hold that brew pub license if that brewer, class 2 brewer,  
22 or non-resident dealer does not simultaneously hold a class 1  
23 brewer license and is not a member of or affiliated with,  
24 directly or indirectly, a manufacturer that produces more than  
25 3,720,000 gallons of beer per year or that produces any other  
26 alcoholic liquor.

1           (o) A caterer retailer license shall allow the holder to  
2     serve alcoholic liquors as an incidental part of a food service  
3     that serves prepared meals which excludes the serving of snacks  
4     as the primary meal, either on or off-site whether licensed or  
5     unlicensed.

6           (p) An auction liquor license shall allow the licensee to  
7     sell and offer for sale at auction wine and spirits for use or  
8     consumption, or for resale by an Illinois liquor licensee in  
9     accordance with provisions of this Act. An auction liquor  
10    license will be issued to a person and it will permit the  
11    auction liquor licensee to hold the auction anywhere in the  
12    State. An auction liquor license must be obtained for each  
13    auction at least 14 days in advance of the auction date.

14          (q) A special use permit license shall allow an Illinois  
15    licensed retailer to transfer a portion of its alcoholic liquor  
16    inventory from its retail licensed premises to the premises  
17    specified in the license hereby created, and to sell or offer  
18    for sale at retail, only in the premises specified in the  
19    license hereby created, the transferred alcoholic liquor for  
20    use or consumption, but not for resale in any form. A special  
21    use permit license may be granted for the following time  
22    periods: one day or less; 2 or more days to a maximum of 15 days  
23    per location in any 12 month period. An applicant for the  
24    special use permit license must also submit with the  
25    application proof satisfactory to the State Commission that the  
26    applicant will provide dram shop liability insurance to the

1 maximum limits and have local authority approval.

2 (r) A winery shipper's license shall allow a person with a  
3 first-class or second-class wine manufacturer's license, a  
4 first-class or second-class wine-maker's license, or a limited  
5 wine manufacturer's license or who is licensed to make wine  
6 under the laws of another state to ship wine made by that  
7 licensee directly to a resident of this State who is 21 years  
8 of age or older for that resident's personal use and not for  
9 resale. Prior to receiving a winery shipper's license, an  
10 applicant for the license must provide the Commission with a  
11 true copy of its current license in any state in which it is  
12 licensed as a manufacturer of wine. An applicant for a winery  
13 shipper's license must also complete an application form that  
14 provides any other information the Commission deems necessary.  
15 The application form shall include all addresses from which the  
16 applicant for a winery shipper's license intends to ship wine,  
17 including the name and address of any third party authorized to  
18 ship wine on behalf of the manufacturer. The application form  
19 shall include an acknowledgement consenting to the  
20 jurisdiction of the Commission, the Illinois Department of  
21 Revenue, and the courts of this State concerning the  
22 enforcement of this Act and any related laws, rules, and  
23 regulations, including authorizing the Department of Revenue  
24 and the Commission to conduct audits for the purpose of  
25 ensuring compliance with this amendatory Act, and an  
26 acknowledgement that the wine manufacturer is in compliance

1 with Section 6-2 of this Act. Any third party authorized to  
2 ship wine on behalf of a first-class or second-class wine  
3 manufacturer's licensee, a first-class or second-class  
4 wine-maker's licensee, a limited wine manufacturer's licensee,  
5 or a person who is licensed to make wine under the laws of  
6 another state shall also be disclosed by the winery shipper's  
7 licensee, and a copy of the written appointment of the  
8 third-party wine provider to the wine manufacturer shall be  
9 filed with the State Commission as a supplement to the winery  
10 shipper's license application or any renewal thereof. The  
11 winery shipper's license holder shall affirm under penalty of  
12 perjury, as part of the winery shipper's license application or  
13 renewal, that he or she only ships wine, either directly or  
14 indirectly through a third-party provider, from the licensee's  
15 own production.

16 A third-party provider shipping wine on behalf of a winery  
17 shipper's license holder is the agent of the winery shipper's  
18 license holder and, as such, a winery shipper's license holder  
19 is responsible for the acts and omissions of the third-party  
20 provider acting on behalf of the license holder. A third-party  
21 provider that engages in shipping wine into Illinois on behalf  
22 of a winery shipper's license holder shall consent to the  
23 jurisdiction of the State Commission and the State. Any  
24 third-party holding such an appointment shall, by February 1 of  
25 each calendar year, file with the State Commission a statement  
26 detailing each shipment made to an Illinois resident. The State

1 Commission shall adopt rules as soon as practicable to  
2 implement the requirements of this amendatory Act of the 99th  
3 General Assembly and shall adopt rules prohibiting any such  
4 third-party appointment of a third-party provider that has been  
5 deemed by the State Commission to have violated the provisions  
6 of this Act with regard to any winery shipper licensee.

7 A winery shipper licensee must pay to the Department of  
8 Revenue the State liquor gallonage tax under Section 8-1 for  
9 all wine that is sold by the licensee and shipped to a person  
10 in this State. For the purposes of Section 8-1, a winery  
11 shipper licensee shall be taxed in the same manner as a  
12 manufacturer of wine. A licensee who is not otherwise required  
13 to register under the Retailers' Occupation Tax Act must  
14 register under the Use Tax Act to collect and remit use tax to  
15 the Department of Revenue for all gallons of wine that are sold  
16 by the licensee and shipped to persons in this State. If a  
17 licensee fails to remit the tax imposed under this Act in  
18 accordance with the provisions of Article VIII of this Act, the  
19 winery shipper's license shall be revoked in accordance with  
20 the provisions of Article VII of this Act. If a licensee fails  
21 to properly register and remit tax under the Use Tax Act or the  
22 Retailers' Occupation Tax Act for all wine that is sold by the  
23 winery shipper and shipped to persons in this State, the winery  
24 shipper's license shall be revoked in accordance with the  
25 provisions of Article VII of this Act.

26 A winery shipper licensee must collect, maintain, and

1 submit to the Commission on a semi-annual basis the total  
2 number of cases per resident of wine shipped to residents of  
3 this State. A winery shipper licensed under this subsection (r)  
4 must comply with the requirements of Section 6-29 of this  
5 ~~amendatory~~ Act.

6 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of  
7 Section 3-12, the State Commission may receive, respond to, and  
8 investigate any complaint and impose any of the remedies  
9 specified in paragraph (1) of subsection (a) of Section 3-12.

10 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;  
11 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

12 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

13 Sec. 6-16. Prohibited sales and possession.

14 (a) (i) No licensee nor any officer, associate, member,  
15 representative, agent, or employee of such licensee shall sell,  
16 give, or deliver alcoholic liquor to any person under the age  
17 of 21 years or to any intoxicated person, except as provided in  
18 Section 6-16.1. (ii) No express company, common carrier, or  
19 contract carrier nor any representative, agent, or employee on  
20 behalf of an express company, common carrier, or contract  
21 carrier that carries or transports alcoholic liquor for  
22 delivery within this State shall knowingly give or knowingly  
23 deliver to a residential address any shipping container clearly  
24 labeled as containing alcoholic liquor and labeled as requiring  
25 signature of an adult of at least 21 years of age to any person

1 in this State under the age of 21 years. An express company,  
2 common carrier, or contract carrier that carries or transports  
3 such alcoholic liquor for delivery within this State shall  
4 obtain a signature at the time of delivery acknowledging  
5 receipt of the alcoholic liquor by an adult who is at least 21  
6 years of age. At no time while delivering alcoholic beverages  
7 within this State may any representative, agent, or employee of  
8 an express company, common carrier, or contract carrier that  
9 carries or transports alcoholic liquor for delivery within this  
10 State deliver the alcoholic liquor to a residential address  
11 without the acknowledgment of the consignee and without first  
12 obtaining a signature at the time of the delivery by an adult  
13 who is at least 21 years of age. A signature of a person on file  
14 with the express company, common carrier, or contract carrier  
15 does not constitute acknowledgement of the consignee. Any  
16 express company, common carrier, or contract carrier that  
17 transports alcoholic liquor for delivery within this State that  
18 violates this item (ii) of this subsection (a) by delivering  
19 alcoholic liquor without the acknowledgement of the consignee  
20 and without first obtaining a signature at the time of the  
21 delivery by an adult who is at least 21 years of age is guilty  
22 of a Class A misdemeanor ~~business offense~~ for which the express  
23 company, common carrier, or contract carrier that transports  
24 alcoholic liquor within this State shall be held vicariously  
25 liable for the actions of its representatives, agents, and  
26 employees, and the sentence shall include, but shall not be

1 limited to, a fine of not less than \$5,000 for a first offense  
2 and not less than \$10,000 for a second or subsequent offense  
3 ~~shall be fined not more than \$1,001 for a first offense, not~~  
4 ~~more than \$5,000 for a second offense, and not more than~~  
5 ~~\$10,000 for a third or subsequent offense.~~ An express company,  
6 common carrier, or contract carrier shall be held vicariously  
7 liable for the actions of its representatives, agents, or  
8 employees. For purposes of this Act, in addition to other  
9 methods authorized by law, an express company, common carrier,  
10 or contract carrier shall be considered served with process  
11 when a representative, agent, or employee alleged to have  
12 violated this Act is personally served. Each shipment of  
13 alcoholic liquor delivered in violation of this item (ii) of  
14 this subsection (a) constitutes a separate offense. (iii) No  
15 person, after purchasing or otherwise obtaining alcoholic  
16 liquor, shall sell, give, or deliver such alcoholic liquor to  
17 another person under the age of 21 years, except in the  
18 performance of a religious ceremony or service. Except as  
19 otherwise provided in item (ii), any express company, common  
20 carrier, or contract carrier that transports alcoholic liquor  
21 within this State that violates the provisions of item (i),  
22 (ii), or (iii) of this paragraph of this subsection (a) is  
23 guilty of a Class A misdemeanor and the sentence shall include,  
24 but shall not be limited to, a fine of not less than \$500. Any  
25 person who violates the provisions of item (iii) of this  
26 paragraph of this subsection (a) is guilty of a Class A



1 misdemeanor and the sentence shall include, but shall not be  
2 limited to a fine of not less than \$500 for a first offense and  
3 not less than \$2,000 for a second or subsequent offense. Any  
4 person who knowingly violates the provisions of item (iii) of  
5 this paragraph of this subsection (a) is guilty of a Class 4  
6 felony if a death occurs as the result of the violation.

7 If a licensee or officer, associate, member,  
8 representative, agent, or employee of the licensee, or a  
9 representative, agent, or employee of an express company,  
10 common carrier, or contract carrier that carries or transports  
11 alcoholic liquor for delivery within this State, is prosecuted  
12 under this paragraph of this subsection (a) for selling,  
13 giving, or delivering alcoholic liquor to a person under the  
14 age of 21 years, the person under 21 years of age who attempted  
15 to buy or receive the alcoholic liquor may be prosecuted  
16 pursuant to Section 6-20 of this Act, unless the person under  
17 21 years of age was acting under the authority of a law  
18 enforcement agency, the Illinois Liquor Control Commission, or  
19 a local liquor control commissioner pursuant to a plan or  
20 action to investigate, patrol, or conduct any similar  
21 enforcement action.

22 For the purpose of preventing the violation of this  
23 Section, any licensee, or his agent or employee, or a  
24 representative, agent, or employee of an express company,  
25 common carrier, or contract carrier that carries or transports  
26 alcoholic liquor for delivery within this State, shall refuse

1 to sell, deliver, or serve alcoholic beverages to any person  
2 who is unable to produce adequate written evidence of identity  
3 and of the fact that he or she is over the age of 21 years, if  
4 requested by the licensee, agent, employee, or representative.

5 Adequate written evidence of age and identity of the person  
6 is a document issued by a federal, state, county, or municipal  
7 government, or subdivision or agency thereof, including, but  
8 not limited to, a motor vehicle operator's license, a  
9 registration certificate issued under the Federal Selective  
10 Service Act, or an identification card issued to a member of  
11 the Armed Forces. Proof that the defendant-licensee, or his  
12 employee or agent, or the representative, agent, or employee of  
13 the express company, common carrier, or contract carrier that  
14 carries or transports alcoholic liquor for delivery within this  
15 State demanded, was shown and reasonably relied upon such  
16 written evidence in any transaction forbidden by this Section  
17 is an affirmative defense in any criminal prosecution therefor  
18 or to any proceedings for the suspension or revocation of any  
19 license based thereon. It shall not, however, be an affirmative  
20 defense if the agent or employee accepted the written evidence  
21 knowing it to be false or fraudulent. If a false or fraudulent  
22 Illinois driver's license or Illinois identification card is  
23 presented by a person less than 21 years of age to a licensee  
24 or the licensee's agent or employee for the purpose of  
25 ordering, purchasing, attempting to purchase, or otherwise  
26 obtaining or attempting to obtain the serving of any alcoholic

1 beverage, the law enforcement officer or agency investigating  
2 the incident shall, upon the conviction of the person who  
3 presented the fraudulent license or identification, make a  
4 report of the matter to the Secretary of State on a form  
5 provided by the Secretary of State.

6 However, no agent or employee of the licensee or employee  
7 of an express company, common carrier, or contract carrier that  
8 carries or transports alcoholic liquor for delivery within this  
9 State shall be disciplined or discharged for selling or  
10 furnishing liquor to a person under 21 years of age if the  
11 agent or employee demanded and was shown, before furnishing  
12 liquor to a person under 21 years of age, adequate written  
13 evidence of age and identity of the person issued by a federal,  
14 state, county or municipal government, or subdivision or agency  
15 thereof, including but not limited to a motor vehicle  
16 operator's license, a registration certificate issued under  
17 the Federal Selective Service Act, or an identification card  
18 issued to a member of the Armed Forces. This paragraph,  
19 however, shall not apply if the agent or employee accepted the  
20 written evidence knowing it to be false or fraudulent.

21 Any person who sells, gives, or furnishes to any person  
22 under the age of 21 years any false or fraudulent written,  
23 printed, or photostatic evidence of the age and identity of  
24 such person or who sells, gives or furnishes to any person  
25 under the age of 21 years evidence of age and identification of  
26 any other person is guilty of a Class A misdemeanor and the

1 person's sentence shall include, but shall not be limited to, a  
2 fine of not less than \$500.

3 Any person under the age of 21 years who presents or offers  
4 to any licensee, his agent or employee, any written, printed or  
5 photostatic evidence of age and identity that is false,  
6 fraudulent, or not actually his or her own for the purpose of  
7 ordering, purchasing, attempting to purchase or otherwise  
8 procuring or attempting to procure, the serving of any  
9 alcoholic beverage, who falsely states in writing that he or  
10 she is at least 21 years of age when receiving alcoholic liquor  
11 from a representative, agent, or employee of an express  
12 company, common carrier, or contract carrier, or who has in his  
13 or her possession any false or fraudulent written, printed, or  
14 photostatic evidence of age and identity, is guilty of a Class  
15 A misdemeanor and the person's sentence shall include, but  
16 shall not be limited to, the following: a fine of not less than  
17 \$500 and at least 25 hours of community service. If possible,  
18 any community service shall be performed for an alcohol abuse  
19 prevention program.

20 Any person under the age of 21 years who has any alcoholic  
21 beverage in his or her possession on any street or highway or  
22 in any public place or in any place open to the public is  
23 guilty of a Class A misdemeanor. This Section does not apply to  
24 possession by a person under the age of 21 years making a  
25 delivery of an alcoholic beverage in pursuance of the order of  
26 his or her parent or in pursuance of his or her employment.

1           (a-1) It is unlawful for any parent or guardian to  
2 knowingly permit his or her residence, any other private  
3 property under his or her control, or any vehicle, conveyance,  
4 or watercraft under his or her control to be used by an invitee  
5 of the parent's child or the guardian's ward, if the invitee is  
6 under the age of 21, in a manner that constitutes a violation  
7 of this Section. A parent or guardian is deemed to have  
8 knowingly permitted his or her residence, any other private  
9 property under his or her control, or any vehicle, conveyance,  
10 or watercraft under his or her control to be used in violation  
11 of this Section if he or she knowingly authorizes or permits  
12 consumption of alcoholic liquor by underage invitees. Any  
13 person who violates this subsection (a-1) is guilty of a Class  
14 A misdemeanor and the person's sentence shall include, but  
15 shall not be limited to, a fine of not less than \$500. Where a  
16 violation of this subsection (a-1) directly or indirectly  
17 results in great bodily harm or death to any person, the person  
18 violating this subsection shall be guilty of a Class 4 felony.  
19 Nothing in this subsection (a-1) shall be construed to prohibit  
20 the giving of alcoholic liquor to a person under the age of 21  
21 years in the performance of a religious ceremony or service in  
22 observation of a religious holiday.

23           For the purposes of this subsection (a-1) where the  
24 residence or other property has an owner and a tenant or  
25 lessee, the trier of fact may infer that the residence or other  
26 property is occupied only by the tenant or lessee.

1           (b) Except as otherwise provided in this Section whoever  
2 violates this Section shall, in addition to other penalties  
3 provided for in this Act, be guilty of a Class A misdemeanor.

4           (c) Any person shall be guilty of a Class A misdemeanor  
5 where he or she knowingly authorizes or permits a residence  
6 which he or she occupies to be used by an invitee under 21  
7 years of age and:

8                 (1) the person occupying the residence knows that any  
9                 such person under the age of 21 is in possession of or is  
10                consuming any alcoholic beverage; and

11               (2) the possession or consumption of the alcohol by the  
12                person under 21 is not otherwise permitted by this Act.

13           For the purposes of this subsection (c) where the residence  
14 has an owner and a tenant or lessee, the trier of fact may  
15 infer that the residence is occupied only by the tenant or  
16 lessee. The sentence of any person who violates this subsection  
17 (c) shall include, but shall not be limited to, a fine of not  
18 less than \$500. Where a violation of this subsection (c)  
19 directly or indirectly results in great bodily harm or death to  
20 any person, the person violating this subsection (c) shall be  
21 guilty of a Class 4 felony. Nothing in this subsection (c)  
22 shall be construed to prohibit the giving of alcoholic liquor  
23 to a person under the age of 21 years in the performance of a  
24 religious ceremony or service in observation of a religious  
25 holiday.

26           A person shall not be in violation of this subsection (c)

1 if (A) he or she requests assistance from the police department  
2 or other law enforcement agency to either (i) remove any person  
3 who refuses to abide by the person's performance of the duties  
4 imposed by this subsection (c) or (ii) terminate the activity  
5 because the person has been unable to prevent a person under  
6 the age of 21 years from consuming alcohol despite having taken  
7 all reasonable steps to do so and (B) this assistance is  
8 requested before any other person makes a formal complaint to  
9 the police department or other law enforcement agency about the  
10 activity.

11 (d) Any person who rents a hotel or motel room from the  
12 proprietor or agent thereof for the purpose of or with the  
13 knowledge that such room shall be used for the consumption of  
14 alcoholic liquor by persons under the age of 21 years shall be  
15 guilty of a Class A misdemeanor.

16 (e) Except as otherwise provided in this Act, any person  
17 who has alcoholic liquor in his or her possession on public  
18 school district property on school days or at events on public  
19 school district property when children are present is guilty of  
20 a petty offense, unless the alcoholic liquor (i) is in the  
21 original container with the seal unbroken and is in the  
22 possession of a person who is not otherwise legally prohibited  
23 from possessing the alcoholic liquor or (ii) is in the  
24 possession of a person in or for the performance of a religious  
25 service or ceremony authorized by the school board.

26 (Source: P.A. 97-1049, eff. 1-1-13; 98-1017, eff. 1-1-15.)

1 (235 ILCS 5/6-29.1)

2 Sec. 6-29.1. Direct shipments of alcoholic liquor.

3 (a) The General Assembly makes the following findings:

4 (1) The General Assembly of Illinois, having reviewed  
5 this Act in light of the United States Supreme Court's 2005  
6 decision in *Granholm v. Heald*, has determined to conform  
7 that law to the constitutional principles enunciated by the  
8 Court in a manner that best preserves the temperance,  
9 revenue, and orderly distribution values of this Act.

10 (2) Minimizing automobile accidents and fatalities,  
11 domestic violence, health problems, loss of productivity,  
12 unemployment, and other social problems associated with  
13 dependency and improvident use of alcoholic beverages  
14 remains the policy of Illinois.

15 (3) To the maximum extent constitutionally feasible,  
16 Illinois desires to collect sufficient revenue from excise  
17 and use taxes on alcoholic beverages for the purpose of  
18 responding to such social problems.

19 (4) Combined with family education and individual  
20 discipline, retail validation of age, and assessment of the  
21 capacity of the consumer remains the best pre-sale social  
22 protection against the problems associated with the abuse  
23 of alcoholic liquor.

24 (5) Therefore, the paramount purpose of this  
25 amendatory Act is to continue to carefully limit direct



1 shipment sales of wine produced by makers of wine and to  
2 continue to prohibit such direct shipment sales for spirits  
3 and beer.

4 For these reasons, the Commission shall establish a system  
5 to notify the out-of-state trade of this prohibition and to  
6 detect violations. The Commission shall request the Attorney  
7 General to extradite any offender.

8 (b) Pursuant to the Twenty-First Amendment of the United  
9 States Constitution allowing states to regulate the  
10 distribution and sale of alcoholic liquor and pursuant to the  
11 federal Webb-Kenyon Act declaring that alcoholic liquor  
12 shipped in interstate commerce must comply with state laws, the  
13 General Assembly hereby finds and declares that selling  
14 alcoholic liquor from a point outside this State through  
15 various direct marketing means, such as catalogs, newspapers,  
16 mailers, and the Internet, directly to residents of this State  
17 poses a serious threat to the State's efforts to prevent youths  
18 from accessing alcoholic liquor; to State revenue collections;  
19 and to the economy of this State.

20 Any person manufacturing, distributing, or selling  
21 alcoholic liquor who knowingly ships or transports or causes  
22 the shipping or transportation of any alcoholic liquor from a  
23 point outside this State to a person in this State who does not  
24 hold a manufacturer's, distributor's, importing distributor's,  
25 or non-resident dealer's license issued by the Liquor Control  
26 Commission, other than a shipment of sacramental wine to a bona

1 fide religious organization, a shipment authorized by Section  
2 6-29, subparagraph (17) of Section 3-12, or any other shipment  
3 authorized by this Act, is in violation of this Act.

4 The Commission, upon determining, after investigation,  
5 that a person has violated this Section, shall give notice to  
6 the person by certified mail to cease and desist all shipments  
7 of alcoholic liquor into this State and to withdraw from this  
8 State within 5 working days after receipt of the notice all  
9 shipments of alcoholic liquor then in transit. A person who  
10 violates the cease and desist notice is subject to the  
11 applicable penalties in subsection (a) of Section 10-1 of this  
12 Act.

13 ~~Whenever the Commission has reason to believe that a person~~  
14 ~~has failed to comply with the Commission notice under this~~  
15 ~~Section, it shall notify the Department of Revenue and file a~~  
16 ~~complaint with the State's Attorney of the county where the~~  
17 ~~alcoholic liquor was delivered or with appropriate law~~  
18 ~~enforcement officials.~~

19 ~~Failure to comply with the notice issued by the Commission~~  
20 ~~under this Section constitutes a business offense for which the~~  
21 ~~person shall be fined not more than \$1,000 for a first offense,~~  
22 ~~not more than \$5,000 for a second offense, and not more than~~  
23 ~~\$10,000 for a third or subsequent offense. Each shipment of~~  
24 ~~alcoholic liquor delivered in violation of the cease and desist~~  
25 ~~notice shall constitute a separate offense.~~

26 (Source: P.A. 95-634, eff. 6-1-08.)

1 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

2 Sec. 10-1. Violations; penalties. Whereas a substantial  
3 threat to the sound and careful control, regulation, and  
4 taxation of the manufacture, sale, and distribution of  
5 alcoholic liquors exists by virtue of individuals who  
6 manufacture, import, distribute, or sell alcoholic liquors  
7 within the State without having first obtained a valid license  
8 to do so, and whereas such threat is especially serious along  
9 the borders of this State, and whereas such threat requires  
10 immediate correction by this Act, by active investigation and  
11 prosecution by law enforcement officials and prosecutors, and  
12 by prompt and strict enforcement through the courts of this  
13 State to punish violators and to deter such conduct in the  
14 future:

15 (a) Any person who manufactures, imports for distribution  
16 or use, transports from outside this State into this State, or  
17 distributes or sells 108 liters (28.53 gallons) or more of  
18 wine, 45 liters (11.88 gallons) or more of distilled spirits,  
19 or 118 liters (31.17 gallons) or more of beer ~~alcoholic liquor~~  
20 at any place within the State without having first obtained a  
21 valid license to do so under the provisions of this Act shall  
22 be guilty of a ~~business offense and fined not more than \$1,000~~  
23 ~~for the first such offense and shall be guilty of a Class 4~~  
24 ~~felony for each subsequent offense.~~

25 Any person who manufactures, imports for distribution,

1 transports from outside this State into this State for sale or  
2 resale in this State, or distributes or sells less than 108  
3 liters (28.53 gallons) of wine, less than 45 liters (11.88  
4 gallons) of distilled spirits, or less than 118 liters (31.17  
5 gallons) of beer at any place within the State without having  
6 first obtained a valid license to do so under the provisions of  
7 this Act shall be guilty of a business offense and fined not  
8 more than \$1,000 for the first such offense and shall be guilty  
9 of a Class 4 felony for each subsequent offense. This  
10 subsection does not apply to a motor carrier or freight  
11 forwarder, as defined in Section 13102 of Title 49 of the  
12 United States Code, or an air carrier, as defined in Section  
13 40102 of Title 49 of the United States Code.

14 Any person who both has been issued an initial cease and  
15 desist notice from the State Commission and for compensation  
16 ships alcoholic liquor into this State without a license  
17 authorized by Section 5-1 issued by the State Commission or in  
18 violation of that license is guilty of a Class 4 felony for  
19 each offense.

20 (b) (1) Any retailer, licensed in this State, who knowingly  
21 causes to furnish, give, sell, or otherwise being within the  
22 State, any alcoholic liquor destined to be used, distributed,  
23 consumed or sold in another state, unless such alcoholic liquor  
24 was received in this State by a duly licensed distributor, or  
25 importing distributors shall have his license suspended for 7  
26 days for the first offense and for the second offense, shall

1 have his license revoked by the Commission.

2 (2) In the event the Commission receives a certified copy  
3 of a final order from a foreign jurisdiction that an Illinois  
4 retail licensee has been found to have violated that foreign  
5 jurisdiction's laws, rules, or regulations concerning the  
6 importation of alcoholic liquor into that foreign  
7 jurisdiction, the violation may be grounds for the Commission  
8 to revoke, suspend, or refuse to issue or renew a license, to  
9 impose a fine, or to take any additional action provided by  
10 this Act with respect to the Illinois retail license or  
11 licensee. Any such action on the part of the Commission shall  
12 be in accordance with this Act and implementing rules.

13 For the purposes of paragraph (2): (i) "foreign  
14 jurisdiction" means a state, territory, or possession of the  
15 United States, the District of Columbia, or the Commonwealth of  
16 Puerto Rico, and (ii) "final order" means an order or judgment  
17 of a court or administrative body that determines the rights of  
18 the parties respecting the subject matter of the proceeding,  
19 that remains in full force and effect, and from which no appeal  
20 can be taken.

21 (c) Any person who shall make any false statement or  
22 otherwise violates any of the provisions of this Act in  
23 obtaining any license hereunder, or who having obtained a  
24 license hereunder shall violate any of the provisions of this  
25 Act with respect to the manufacture, possession, distribution  
26 or sale of alcoholic liquor, or with respect to the maintenance

1 of the licensed premises, or shall violate any other provision  
2 of this Act, shall for a first offense be guilty of a petty  
3 offense and fined not more than \$500, and for a second or  
4 subsequent offense shall be guilty of a Class B misdemeanor.

5 (c-5) Any owner of an establishment that serves alcohol on  
6 its premises, if more than 50% of the establishment's gross  
7 receipts within the prior 3 months is from the sale of alcohol,  
8 who knowingly fails to prohibit concealed firearms on its  
9 premises or who knowingly makes a false statement or record to  
10 avoid the prohibition of concealed firearms on its premises  
11 under the Firearm Concealed Carry Act shall be guilty of a  
12 business offense with a fine up to \$5,000.

13 (d) Each day any person engages in business as a  
14 manufacturer, foreign importer, importing distributor,  
15 distributor or retailer in violation of the provisions of this  
16 Act shall constitute a separate offense.

17 (e) Any person, under the age of 21 years who, for the  
18 purpose of buying, accepting or receiving alcoholic liquor from  
19 a licensee, represents that he is 21 years of age or over shall  
20 be guilty of a Class A misdemeanor.

21 (f) In addition to the penalties herein provided, any  
22 person licensed as a wine-maker in either class who  
23 manufactures more wine than authorized by his license shall be  
24 guilty of a business offense and shall be fined \$1 for each  
25 gallon so manufactured.

26 (g) A person shall be exempt from prosecution for a

1 violation of this Act if he is a peace officer in the  
2 enforcement of the criminal laws and such activity is approved  
3 in writing by one of the following:

4 (1) In all counties, the respective State's Attorney;

5 (2) The Director of State Police under Section 2605-10,  
6 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,  
7 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,  
8 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,  
9 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,  
10 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,  
11 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,  
12 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the  
13 Department of State Police Law (20 ILCS 2605/2605-10,  
14 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,  
15 2605/2605-110, 2605/2605-115, 2605/2605-120,  
16 2605/2605-130, 2605/2605-140, 2605/2605-190,  
17 2605/2605-200, 2605/2605-205, 2605/2605-210,  
18 2605/2605-215, 2605/2605-250, 2605/2605-275,  
19 2605/2605-300, 2605/2605-305, 2605/2605-315,  
20 2605/2605-325, 2605/2605-335, 2605/2605-340,  
21 2605/2605-350, 2605/2605-355, 2605/2605-360,  
22 2605/2605-365, 2605/2605-375, 2605/2605-390,  
23 2605/2605-400, 2605/2605-405, 2605/2605-420,  
24 2605/2605-430, 2605/2605-435, 2605/2605-500,  
25 2605/2605-525, or 2605/2605-550); or

26 (3) In cities over 1,000,000, the Superintendent of

1           Police.

2       (Source: P.A. 98-63, eff. 7-9-13.)

3           Section 99. Effective date. This Act takes effect January  
4       1, 2017.".